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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,577

01/19/2006

Detlef Busch

05581-00136-US

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12/11/2008

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EXAMINER

NAKARANI, DHIRAJLAL S

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

12/11/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/535,577

**Applicant(s)**

BUSCH ET AL.

**Examiner**

D. S. Nakanari

**Art Unit**

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/US)  
Paper No(s)/Mail Date 05/19/2006
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "characterized in that" is not a part of U. S. Patent language. Applicants are requested to change said phrase wherever it occurs to the word --wherein--.

Claims 2, 11, 13 and 13-15; line 2, the phrase "basic film" lacks clear antecedent basis. Therefore limitation cannot be understood.

Claim 7, lines 2-4, the phrase "a polypropylene homopolymer, propylene copolymer, or polyethylene grafted using maleic acid anhydride" renders claim confusing and indefinite. Claim 7 depends from claim 1 which requires layer Z made of polyolefins modified using maleic acid anhydride. Therefore it is not clear from the claim language whether applicants trying to claim polyolefins modified using maleic acid anhydride are of recited polymers or recited polymers additional polymers. Further more it is not clear whether applicants are trying to claim both, polypropylene homopolymer and propylene copolymer, are also grafted with using maleic acid anhydride or just polyethylene is grafted with maleic acid anhydride. Clarification and/or correction requested.

Claims 8 and 9, lines 2-3, the phrase "the polypropylene homopolymer, propylene copolymer, or polyethylene grafted using maleic acid anhydride" lacks clear antecedent basis. No "polypropylene homopolymer, propylene copolymer, or polyethylene grafted using maleic

acid anhydride" has been previously recited in claim 1 from which these claims depends.

Therefore limitation cannot be understood.

Claim 15, line 3, the "sealable top layer on the diametrically opposite side of the base layer" renders claim confusing and indefinite. Claim 15 depends from claim 1 which requires "at least one base layer B". Therefore it is not clear from the claim language which side of the base layer is the opposite side of base layer.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hubbard et al (EP 0 906 373 B1) in view of Knoerzer (U. S. Patent 5,525,421).

Hubbard et al disclose an article comprising: heat sealing layer/biaxially stretched polyolefin film/polyvinyl alcohol layer/ polysilicate layer/adhesive layer/laminate film layer (claims 1-26). Hubbard et al's polysilicate layer is made of a mixture of lithium and potassium of polysilicates of the claimed general formula (Claims 3 and 4). Hubbard et al fail to disclose claimed top layer Z made of polyolefins modified using maleic acid anhydride.

Knoerzer discloses metallized composite film comprising: biaxially oriented film comprising: heat seal polyolefin layer/polyolefin base layer/polyolefin grafted with maleic acid anhydride layer/ polyvinyl alcohol layer. This film is metallized on side of the polyvinyl alcohol layer and than metallized layer is laminated to other film with an adhesive. Knoerzer discloses that the maleic acid anhydride modified polyolefin optimize adhesion of polyvinyl alcohol to substrate (Col. 2, lines 24-57).

Therefore it would have been obvious to a person of ordinary skill in the art at the time of this invention made to utilize disclosure of Knoerzer in the invention of Hubbard et al to form maleic acid anhydride modified polyolefin layer between the polyolefin film and the polyvinyl alcohol layer to optimize adhesion of polyvinyl alcohol layer to the polyolefin film.

No claims are allowed.

6. Receipt of Information Disclosure Statement filed with the application and dated May 19, 2005 is acknowledged and all recited documents have been made of record.
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/D. S. Nakarani/  
Primary Examiner, Art Unit 1794**

DSN  
December 8, 2008.